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EXAMINER

BARTLEY, KENNETH

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/826,613

Applicant(s)

KUMAR ET AL.

Examiner

Kenneth L. Bartley

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14,16-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 16-28, and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Receipt of Applicant's amendment and response filed on May 9, 2007 is acknowledged.

#### *Response to Amendment*

2. Claim 1, 3, 14, 16, and 28 are currently amended. Claims 2, 15, and 29 have been canceled. Claims 1, 3-14, 16-28, and 30-33 are pending in the application and are provided to be examined upon their merits.
3. Objections to the abstract and specification are withdrawn.
4. The Examiner notes Applicant's response in the amended claim to the § 101 rejection, however the rejection remains for reasons presented below. Claim 1 now appears to be a system claim.

#### *Response to Arguments*

5. Applicant's arguments filed May 9, 2007 have been fully considered but they are not persuasive. The Examiner thanks the Applicant for their response and respectfully provides the following analysis (Examiner comments in bold).
6. **The Applicant points out on page 16, 4<sup>th</sup> paragraph, regarding the prior art (Chaffee, US Patent No. 7,165,044) that ...**  
  
"... the art of Chaffee must have a pre-arranged agreement with financial institutions for access to user account data. Chaffee specifically teaches that; "In Step 330, the remote server 10 transmits a request for transaction data, including the account name or number and the password, to one or more of the financial

Art Unit: 3693

institution databases 60. The remote server 10 waits for a response from the financial institution databases 60 in Step 340..." (col 9, lines 38-43). Chaffee also teaches; "The retrieval of transmission data from the financial institution databases 60 may be performed in other ways that do not require the remote server 10 to act as a surrogate to the users, For example, the financial institutions may provide the investment portfolio management system according to another embodiment of the invention direct access to their databases in exchange for a fee, e.g., a fiat annual fee for each user of the system who has his or her trades handed by them." (col 9, lines 56-64).

**The Applicant then argues on the bottom of page 16 and top of page 17 that...**

"...the software provides automatic navigation to the Web sites to log-in and access information on behalf of the user and as far as the Web site is concerned the user is accessing the information, themselves, not the system of Chaffee."

- 7. The Applicant is making the point that Applicants software goes to Web sites of financial institutions, while the prior art (Chaffee) goes to the database of a financial institution. The Examiner notes that Chaffee discloses:**

**"The identification information includes the name of the financial institution (Portfolio Location), the account name or number, and the password for accessing the transaction data for that account from the financial institution database." (col. 5, lines 42-46)**

**However, Chaffee does disclose an Internet connection from the server to the different databases...**

**"...to a plurality of financial institution databases 60 over a network connection 70..." (col. 4, lines 14-16 – the Examiner notes that Fig. 1 apparently has mislabeled the connection as ref. 60). Where, "The network connections 50, 70, 90, 91 may be any one or combination of the following: Internet, intranet, extranet, local area network (LAN), wide area network (WAN), and the connections may be hard-wired or wireless, e.g., cellular, PCS, infrared, satellite, etc., or any combination of these." (col. 4, lines 22-27).**

- 8. Therefore, Chaffee discloses use of the Internet to access the databases of financial institutions, he though he does not apparently disclose using a web site interface to do this.**
- 9. The Applicant's arguments with respect to the rejections of their original claims 1, 3-14, 16-28, and 30-33 under 35 USC §102 have been fully**

**considered. Therefore, the original 35 USC § 102 rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made on the amended claims in view of additional prior art and are presented below**

***Claim Objections***

10. Claims 3-13 are objected to because of the following informalities: the Examiner notices that dependent claims 16-27 are identified as system claims, but claims 3-13 are not. The Examiner believes the original intention of claims 3-13 was for these to be product claims. Assuming Applicant's intention is to make claim 1 a system claim, the Applicant may wish to be consistent with their other claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, and 3-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1, data presented for viewing is considered a disembodied data structure if there is no link, for example, to a system. Without a link, the viewing area is unable to cause a change, and is therefore non-functional (MPEP 2016.01 I).

Claims 3-13 are rejected because they depend from claim 1.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 1, 3-14, 16-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,165,044 to Chaffee in view of U.S. Patent 6,859,878 to Kerr et al., and in further view of Official Notice.

The prior rejection regarding Chaffee is presented below, with added material presented in bold.

15. Regarding applicant claims 1, 3-5, 12, 14, 17, 18, 25, 26, 28, and 31, Chaffee discloses:

- a. A computer based "...investment tracking system that is able to retrieve transaction data from a plurality of different accounts to generate a single financial report that is representative of the collective performance of all of the different accounts." (col. 2, lines 51-55) It is possible to view and edit

Art Unit: 3693

- (manipulate) data (col. 5, lines 27-29 and 50-51). This is available through a computer connected to a remote server, which can be linked to the Internet (which is a data-packet-network) (col. 4, lines 19-27 and Fig. 1);
- b. A “general information” web page (col. 5, lines 15-17 and Fig. 4) that can be accessed via a hyperlink from a “home page” (col. 4, lines 48-59 and Fig. 2);
  - c. A “portfolio summary” page (col. 5, lines 27-32 and Fig. 8), that can be accessed via a menu (col. 5, lines 27-29) and hyperlink from the general information web page (col. 5, lines 15-17 and Fig. 4);
  - d. A “portfolio summary” page (col. 5, lines 32-35 and Fig. 8) from which individual investment accounts can be linked (col. 6, lines 60-65) and reports (views of account and stock detail) obtained from a drop down menu (col. 8, lines 33-37). Reports are auditable, which could then be used for data tracking (col. 6, lines 65-67);
  - e. Portfolios (and their accounts) selected to be tracked are listed and can be selected individually or as “ALL” (Fig. 4, Ref. 126);
  - f. A hyperlink from the “general information” web page to a “portfolio add” web page to add new investment accounts (col. 5, lines 36-37 and Figs. 4 and 5). Presumably, a spouses account could also be accessed and combined in a portfolio for shared stock information;
  - g. Access to financial institution databases (col. 4, lines 13-18) through a remote server, which acts as an investment portfolio tracking system (col. 3, lines 63-66 and Fig. 1), via the Internet (col. 2, lines 56-62). Financial institutions

include brokerage houses, investment banks, on-line brokers, etc., which would therefore be available to the public (col. 4, lines 4-7);

- h. An intranet or local server network for users, which can be linked to a remote server (col. 4, lines 22-27 and col. 11, lines 52-56) investment portfolio tracking system.

**While Chaffee, in the business of accessing sites using the Internet, retrieves financial data automatically from financial institutions, he does not disclose accessing Web sites.**

**Kerr et al, in the same field of endeavor of accessing sites using the Internet, discloses:**

**“It would therefore be desirable to provide an internet accessible database- which allows a user to store userids and passwords for various other internet sites. It would be a further advantage to provide an integration of the database with other internet sites, so that the user can connect with those sites without having to remember specific userids and passwords for each of the sites.” (col. 1, lines 57-63);**

**“According to the preferred embodiment, an improved system, method, and program is provided to manage userid/password combinations by utilizing a universally accessible Internet location. This site stores and manages an encrypted database containing the customers multiple userid and password combinations, and also acts as the repository and**



**distribution center for the software used to access and manage the database by the customer.” (col. 1, lines 64-67 and col. 2, lines 1-4); “According to the preferred embodiment, however, the information is automatically sent to the URL selected by the user. This embodiment is preferred because it abstracts the user's authentication data to a particular site by creating automatic authentication responses to recognized URL's.” (col. 3, lines 60-64).**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide for access to different sources of information using a web site interface, motivated by Kerr et al., and that this would provide an additional method of acquiring data automatically from financial institutions and could avoid requiring pre-arranged agreements or fee requirements for data access.**

**While Chaffee and Kerr et al., as combined above, provide for data access to different sites using servers, they do not disclose a proxy server or parsing data from a web site. However, the Examiner takes Official Notice that proxy servers and parsing information to retrieve data is old and well known. Therefore, it would have been obvious to one skilled in the art at the time of invention to include proxy servers and parsing of web site data and that the proxy server would improve system performance and parsing data would permit, for example, collection of financial data from a web site for analysis.**

16. Regarding claims 6, 16, 22 and 30, Chaffee discloses that financial reports can be generated by a browser using HTML (col. 9, lines 17-19).
17. Regarding claims 7, 8, 19, 20, 32 and 33, Chaffee discloses hand-held computers that can be wireless, and wireless communication can use cellular connections, which would allow for cellular telephone (col. 4, lines 19-27).
18. Regarding claims 9, 13, 23, and 24, Chaffee discloses an "add" link that can automatically go to a financial institutions web site and provide information regarding an investment account (col. 5, lines 40-46 and Figs. 4 and 5). Presumably, the investment accounts could include IRA's, money market, and retirement accounts.
19. Regarding claim 10, Chaffee provides that information is updated when the user accesses the general information page (col. 5, lines 21-23), which occurs at login (col. 9, lines 24-27 and Fig. 11);
20. Regarding claim 11, Chaffee allows that information can be updated at times specified by a user (col. 11, lines 29-31).
21. Regarding claim 21, Chaffee provides that financial reports are generated from information stored on a database on a server (col. 6, lines 18-24 and Fig. 1, Ref. 30).
22. Regarding claim 27, Chaffee discloses a "view" hyperlink (col. 5, lines 27-29, Ref. 121) in the "general information" web page that links to a portfolio summary

display (Fig. 8). Other financial information, such as number of shares and total value of a stock can be listed (col. 6, lines 60-62 and Fig. 9A-9V).

### ***Conclusion***

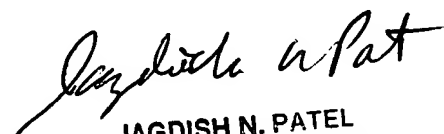
23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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PRIMARY EXAMINER